

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

**In re: BRIDGESTONE/FIRESTONE, INC.,) Master File No. IP 00-9373-C-B/S
TIRES PRODUCTS LIABILITY LITIGATION) MDL NO. 1373
_____)
THIS DOCUMENT RELATES TO ALL)
ACTIONS)**

ENTRY FOR MAY 8, 2002

The parties appeared, by counsel, this date for a telephonic discovery conference, during which the following was discussed:

1. As required by the Entry for April 25, 2002, the parties have generally completed the schedule of the depositions of those experts who will testify in multiple cases and whose depositions will be governed by one of the protocols set forth in the April 23, 2002, Joint Stipulated Order Regarding Expert Depositions. However, a dispute has arisen among the parties with regard to which experts fall under which paragraph(s) of the Joint Stipulated Order. There appear to be five main categories of expert witnesses at issue: (1) experts who have generally applicable opinions regarding alleged defects in Firestone tires or Ford Explorers (i.e., opinions that are not dependent on the examination of the specific tire or Explorer in a particular case, otherwise referred to as “core” testimony) who have been designated as “core” experts in multiple cases; (2) experts who have case-specific opinions regarding alleged defects in particular tires or vehicles (i.e. opinions that are dependent on the examination of the specific tire or Explorer in a particular case) who have been designated as case-specific experts in multiple cases; (3) experts who will offer both general and case-specific opinions in multiple cases;

(4) accident reconstructionists; and (5) physicians. By May 15, 2002, the parties shall confer and submit an agreed order which specifically addresses the deposition protocol that will apply to each of these five categories of experts, along with their completed schedule of depositions for all experts, with the exception of physicians, who will be testifying in multiple cases.

2. The plaintiffs request and are granted an extension to May 13, 2002, to file their reply brief in support of their motion to conduct destructive testing of companion tires in certain cases.
3. In light of the Seventh Circuit's recent ruling on the class certification issue, the parties suggested that deadlines relating to the class case should be held in abeyance until after all further appeals on the issue by either party are resolved. This includes deadlines relating to (1) motions for summary judgment directed to the master complaint; (2) class damages experts; and (3) the class plaintiffs' motion seeking profits discovery. The magistrate judge requested plaintiffs' class counsel to prepare and circulate a proposed case management schedule to be applicable to the non-personal injury/wrongful death cases in this MDL. The parties shall confer on the issue and report in writing to the magistrate judge by May 15, 2002.
4. The parties agreed that the following issues, applicable to the personal injury/wrongful death cases as well as to the class action, remain viable: (1) discovery of Ford's databases; (2) Ford's privilege log; (3) the deposition of Dennis Guenther; (4) whether certain employees of the defendants are expert or fact witnesses; and (5) the plaintiffs' motion to conduct additional discovery

relating to defendant Bridgestone Corporation.

5. The plaintiffs expressed their concern about the numerous cases involving tires that are unrelated to the tires at issue in this litigation that are being transferred to this MDL. The parties will confer and attempt to resolve the issue of how to identify and deal with these cases; to that end, plaintiffs' counsel Tab Turner will circulate a proposal on the issue to the defendants in the next week.
6. Victor Diaz noted that the magistrate judge's Entry Establishing Deadlines for Foreign Law Expert Discovery improperly assumes that the plaintiffs should serve their foreign law expert reports first, when in actuality that burden should be on the party that files a notice of intent to rely upon foreign law pursuant to Federal Rule of Civil Procedure 44.1. Accordingly, the magistrate judge will enter an amended Entry to that effect.
8. The next telephonic status conference will be held on **Monday, May 20, 2002, at 11:00 a.m.** The call will be arranged by Tom Stayton, counsel for Bridgestone Corporation, who shall inform liaison counsel and the magistrate judge of the arrangements.

ENTERED this _____ day of May 2002.

V. Sue Shields
United States Magistrate Judge
Southern District of Indiana

Copies to:

Irwin B Levin
Cohen & Malad
136 North Delaware Street
P O Box 627
Indianapolis, IN 46204

William E Winingham
Wilson Kehoe & Winingham
2859 North Meridian Street
P.O. Box 1317
Indianapolis, IN 46206-1317

Randall Riggs
Locke Reynolds LLP
201 N. Illinois St., Suite 1000
P.O. Box 44961
Indianapolis, IN 46244-0961